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December 5, 2006

Jeff S. Jordan, Esq.
Supervisory Attorney
General Counsel's Office
Federal Election Commission
909 E Street, NW
Washington, D.C. 20463

BY FAX: 202.219.3923

RE: MUR 5865 - Response of New Trier Democratic Organization-Fed
And Marvin Miller, Treasurer of NTDO-Fed

Dear Mr. Jordan,

I represent the above respondents in MUR 5865. With this letter, and the attached sworn statement of Marvin Miller, we wish to respond to your inquiry resulting from the complaint by Tolbert Chisum, Republican Committeeman for New Trier Township. Mr. Chisum complains of a communication prepared and paid for by the New Trier Democratic organization and sent by mail to New Trier Township voters, advocating on behalf of the Democratic candidate for Congress.

New Trier Democratic Organization ("NTDO") is the official local party committee of the Democratic Party of Illinois, operating as such pursuant to the Illinois Election Code. NTDO handles various Democratic party-building and campaigning responsibilities for New Trier Township, one of 30 such townships encompassing suburban Cook County, Illinois (outside the city limits of Chicago, Illinois). NTDO has operated and continues to operate as a state political committee pursuant to Illinois law, supporting, in general, the interests of Democratic Party candidates in the State of Illinois.

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On April 10, 2006, NTDO filed a Statement of Organization with the FEC so that it could more actively support federal candidates that comport with their political viewpoint (beyond the exempt activities allowed local party committees). The November, 2006 election was the first election in which NTDO participated as a federal committee.

Your inquiry raises questions concerning the lack of appropriate and adequate disclaimer language, pursuant to 11 CFR 110.11, and that the failure to disclaim candidate authorization leads to the theoretical possibility that the communication was wrongfully coordinated.

The NTDO operates with a volunteer executive committee selected by its Committeeman. In campaigning for the November, 2006 election, members of the Executive Committee decided that the NTDO should write, design, and publish a "direct-mail" communication to a limited number of households in New Trier Township, using a design vendor who is a graphic artist and also a member of NTDO. This communication, the subject of your inquiry, was the first (and the only) communication of its type produced by NTDO for the federal campaign.

As represented in Mr. Miller's statement, the mailer in question was written and designed solely by NTDO members without any participation by the federal congressional campaign whatsoever, was paid for solely by the NTDO (with federally eligible dollars) and was not authorized by the federal congressional campaign. Moreover, the source material for the mailer was created or taken from sources other than from the federal congressional campaign. With no congressional campaign "request or suggestion", no congressional campaign "material involvement", no congressional campaign "substantial discussion" and no congressional campaign "common vendor", this was not a coordinated communication under 11 CFR 109.21.

NTDO did disclose on the publication that the mailer was sent by NTDO, and not the federal candidate campaign. While this was adequate disclosure under Illinois law for campaign mailers (where NTDO has extensive experience), we recognize that this was not adequate disclaimer language under federal law. Admittedly, the mailer should have disclaimed with a conspicuous notice reading:

"Paid for by New Trier Democratic Organization and not authorized by any candidate or candidate's committee."

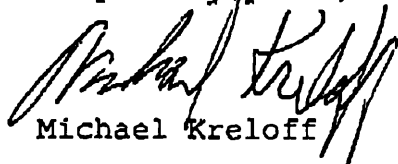
The failure to insert this disclaimer was certainly not subterfuge, but error on the part of a new federal committee designing its first federal campaign communication mailer. NTDO regrets that

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omission and represents that it will make every effort in future campaigns to conduct the requisite oversight so that this problem is not replicated.

We would be happy to provide any further information that would be helpful to you. Thank you for your consideration.

Very truly yours,



Michael Kreloff

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**BEFORE THE
FEDERAL ELECTION COMMISSION**

IN RE:)	
New Trier Democratic Organization - Fed)	
)	
and)	MUR 5865
)	
Marvin Miller, as Treasurer)	

DECLARATION OF MARVIN MILLER, TREASURER

1. I am an active member of New Trier Democratic Organization and the Treasurer of NTDO-Fed, handling responsibilities (with others) for filing reports with the FEC.
2. I have reviewed the complaint filed against NTDO-Fed by Tolbert Chisum, the Republican Committeeman of New Trier township, concerning a mailer prepared for and produced by NTDO-Fed to support the election of the Democratic candidate for Congress.
3. New Trier Democratic Organization ("NTDO") is the official local party committee of the Democratic Party of Illinois, operating as such pursuant to the Illinois Election Code. NTDO handles various Democratic party-building and campaigning responsibilities for New Trier Township, one of 30 such townships encompassing suburban Cook County, Illinois (outside the city limits of Chicago, Illinois). NTDO has operated and continues to operate as a state political committee pursuant to Illinois law, supporting, in general, the interests of Democratic Party candidates in the State of Illinois.
4. On April 10, 2006, NTDO filed a Statement of Organization with the FEC so that it could more actively support federal candidates that comport with their political viewpoint (beyond the exempt activities allowed local party committees).
5. The November, 2006 election was the first election in which NTDO participated as a federal committee.

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6. The NTDO operates with a volunteer executive committee selected by its Committeeman. In campaigning for the November, 2006 election, members of the Executive Committee decided that the NTDO should write, design, and publish a "direct-mail" communication supporting the local Democratic candidate for Congress to a limited number of households in New Trier Township, using a commercial printer and commercial mail house.

7. This communication, the subject of your inquiry, was the first (and the only) communication of its type produced by NTDO for the federal campaign.

8. The mailer in question was written and designed by NTDO members without any participation by the federal congressional campaign, was paid for solely by the NTDO (with entirely federally eligible dollars) and was not authorized by the federal congressional campaign. The source material for the mailer was not obtained from the congressional campaign committee.

9. NTDO did disclose on the publication that the mailer was sent by NTDO, and not the federal candidate campaign. While this was adequate disclosure under Illinois law for campaign mailers (where NTDO has extensive experience), we recognize that this was not adequate disclaimer language under federal law. Admittedly, the mailer should have disclaimed with a conspicuous notice reading:

"Paid for by New Trier Democratic Organization
and not authorized by any candidate or
candidate's committee."

10. The failure to insert this disclaimer was certainly not subterfuge, but error on the part of a new federal committee designing its first federal campaign communication mailer.

I declare under penalties of perjury that the foregoing is true and correct to the best of my present knowledge, information and belief.


MARVIN MILLER

December 5, 2006

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